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APR 19 2004

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	ORDER OF REINSTATEMENT
MICHAEL VALLERINI, R.P.	:	
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy upon application for reinstatement of respondent's license to practice pharmacy. Following a thorough review of Michael Vallerini's disciplinary history in this State (his license to practice pharmacy had been suspended on September 13, 2000 based on his possession of controlled dangerous substances), and his actions in pursuing recovery (he had entered an in-patient treatment program and continued to participate in a monitoring program), he was granted an appearance in September of 2001 before the Board of Pharmacy.

Having heard the testimony of Michael Vallerini and respondent having submitted no materials to support his material omissions during that testimony, an Interim Consent Order was filed with the board on December 10, 2002 requiring for six months from the entry of the Order, continued urine screening and counseling to assure the Board that respondent continued to abstain from all

substance abuse. Respondent appeared before the Board on March 10, 2004 and demonstrated to the Board's satisfaction that he has maintained sobriety and is intent upon continuing to do in the future. The Board being satisfied that the public health, safety and welfare is adequately protected by entry of the within Order,

IT IS THEREFORE on this 31st day of *March*, 2004,

ORDERED:

1. After receipt by the Board of documentation of his successful completion of sixty (60) hours of continuing education, payment of all biennial and reinstatement fees, and after the Board's receipt of an acceptable criminal history background check, the license of respondent to practice pharmacy shall be reinstated and placed on a probationary status for one year from the date he commences dispensing as a pharmacist subject to compliance with conditions set forth in paragraphs two (2) through eight (8) below.

2. Upon reinstatement, respondent shall work under the immediate personal supervision of a licensee of the Board for the first three months that he commences work as a pharmacist. A detailed evaluation shall be submitted directly to the Board by the supervisor.

3. (a) Respondent upon commencing dispensing work shall submit to random urine sampling twice per week for the initial six (6) months of the probationary period and once a week the last six (6) months of probation at a laboratory facility

approved by the Board. The urine monitoring shall be conducted with direct frontal witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. At least one time per month testing shall be performed to ensure abstinence during a weekend.

(b) All test results shall be provided to Joanne Boyer, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Joanne Boyer, or her designee. Personnel at the lab facility shall not be

authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.009 shall be deemed a confirmed positive urine test.

(f) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for

a positive urine screen and/or failure to comply with the urine monitoring program.

4. Respondent shall continue his participation with the Physicians' Health Program ("PHP" and shall have monthly face to face contact with representatives from that program. Respondent shall comply with after care as directed by the PHP and shall comply with any recommended therapeutic regime for treatment or counseling. Respondent shall be responsible for ensuring that any treating psychologist and any other person(s) providing therapy for his addiction provide the Board with quarterly reports regarding his progress in counseling. For purposes of this Order, the first quarter shall commence on the date of entry of this Order.

5. Respondent shall attend support groups, including NA or AA not less than three (3) times per week and shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

6. Respondent shall abstain from the use of alcohol and controlled dangerous substances and shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his

history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to and utilized by the Board in a timely manner.

8. Respondent shall not be a pharmacist in charge for the first twelve consecutive month period he commences work in a pharmacy.

NEW JERSEY STATE BOARD OF ^{Pharmacy}~~ACCOUNTANCY~~

By:

Edward G. McGinley
Edward G. McGinley
Board President

Edward G. McGinley RPh